



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/799,400 02/12/97 SASAKI

D KAMMON-3.0-0

000530
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PM82/0910

EXAMINER

LEV, B

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/799,400

Applicant(s)
Sasaki et al

Examiner
Bruce A. Lev

Art Unit
3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 25, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. The amendment filed November 16, 2000 is objected to under 35 U.S.C. 132 because it introduced ***new matter*** into the disclosure. **35 U.S.C. 132** states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In claim 1, lines 34-41, the "gasket being discontinuous...whereby portions...are exposed...and are abutted...against the inner surface of the sleeve...".

Applicant is required to cancel the new matter in the reply to this Office action.

Claim Rejections - 35 USC § 103

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent of Sasaki et al 8,242,526 in view of Nimiya et al 4,933,512.

As concerns claims 1-28, and 31-33, Sasaki et al discloses the invention including a closure comprising a pair of semicylindrical sleeve members 1 vertically separable surrounding a cable connection section, wherein each has an abutting joint surface on the sides through which the sleeve members are joined; end plates 3 on opposite ends of the sleeve, each formed of rubber and having a cable guide hole 20; hinges and fasteners, inclusive of members 27,28,30,34, releasably hooked between and connecting the sleeve members; end plates formed with slits,

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inclusive of 22,25, extending from the guide holes to an outer periphery of the end plate; and guide hole caps 21 with rigidity holding members viewed as the surfaces between the cap and the holes. **What Sasaki et al does not show** is a gasket including an adhesive between the end plates and the sleeves. However, **Nimiya et al shows** gasket 60 including an adhesive, discussed in column 7 lines 15-20 and illustrated in figures 6a, 6b, and 7, between the end plates 40 and the sleeves 20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the closure of Sasaki et al by incorporating an gasket including an adhesive between the end plates and the sleeves, as taught by Nimiya et al, in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

As concerns claims 29,30 Sasaki et al 8,242,526 in view of Nimiya et al discloses the invention except for the gasket being made of thermoplastic rubber exhibiting a penetration, elongation, and tensile stress claimed. However, the examiner takes the position that since no engineering advantages have been disclosed for forming the gasket from these exact dimensions, and since it appears that various other dimensions would work equally as well, it would have been a mere design choice.

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Response to Amendment

3. Applicant's remarks filed July 25, 2001 have been fully considered but they are not deemed to be persuasive.

As concerns remarks pertaining to the language of the amendment (of November 16, 2000) to claim 1, and the issue of "new matter", the examiner reiterates that the Specification does not disclose "the gasket being *discontinuous...whereby portions...are exposed...and are abutted...against the inner surface of the sleeve*". The applicant's reference to the verbiage in the specification on page 15, "*so as to cover an outer end portion of the slit 22*", hardly discloses the details as to which the applicant intends to claim with the limitations in question (above). In fact, the examiner can view, previously and even currently, this passage as describing a gasket that is continuous and circumventing the entire plate with the outer portion of the slit also being covered. The examiner further points out the none of the Figures in the drawings illustrate the gasket being *discontinuous...whereby portions...are exposed...and are abutted...against the inner surface* of the sleeve. The closest is Figure 9, which shows a cross-sectional view of the gasket (which appears, at least in the cross-sectional view, to be continuous).

As concerns remarks pertaining to the combination of Sasaki et al in view of Nimiya et al, the examiner reiterates the position that Nimiya et al teaches the use of a gasket including an adhesive between end plates and sleeves. Therefore, it would have been obvious to modify the closure of Sasaki et al by incorporating a gasket including an adhesive between the end plates and the sleeves in order to increase the sealing capabilities between the plates and the sleeves, and to

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provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

Conclusion

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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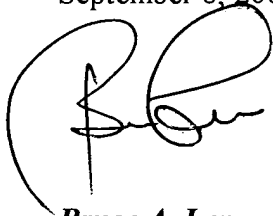
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

September 6, 2001

A handwritten signature in black ink, appearing to be 'B. Lev', enclosed within a large, loopy circular flourish.

Bruce A. Lev

Patent Examiner

Group 3600